IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3058 of 2005

Between:

The Primary Agricultural Cooperative Society, Pulicherla Village & Mandal, Chittoor District, rep by its Person-in-charge, Sri D. Rajendraprasad Reddy

PETITIONER

AND

1 The Government of Andhra Pradesh, Rep by the Joint Collector, Chittoor.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Pulicherla Mandal, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus, declaring the action of the respondents in trying to cancel the FP Shop Dealership on the basis of the letter written by the secretary of the petitioner society without the consent either the General Body or by the Managing Committee, in spite of requesting through the representations dated 30-2-2004, 13-1-2005 and 17-1-2005 not to give effect to the said proposal of the secretary and trying to fill up the same by an individual, as being illegal, arbitrary besides violative of principles of natural justice and fair play, and pass such other order or orders as are deemed fit and proper

Counsel for the Petitioner:MR.D.SESHADRI NAIDU

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

O R D E R

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The petitioner is a Primary Agricultural Co-operative Society. It is appointed as a dealer for a fair price shop at Pulicharla Village and Mandal, Chittoor District. The society is now said to be under the management of a person-in-charge. Petitioner contends that the Secretary, who was functioning before the appointment of person-in-charge, addressed a letter dated 16.12.2004, as though representing the society, to withdraw from the dealership. On coming to know about the same, the petitioner claims to have submitted a representation dated 13.12.2004 to the Revenue Divisional Officer – 2nd respondent, not to cancel the dealership. Petitioner apprehends that the respondents are likely to act on the strength of the representation of the former Secretary and to cancel the authorization.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

3. As of now, the petitioner is not issued with any show cause notice, much less an order of cancellation is passed. Even if the former Secretary had addressed any letter, seeking withdrawal of dealership, the respondents are under obligation to hear the petitioner, in view of the representation made by it on 13.12.2004, before taking any action.

4. Hence this writ petition is disposed of directing the respondents not to deprive the petitioner – society, of its dealership, without issuing any show cause notice and giving an opportunity to the existing management. Till such steps are taken, the petitioner – society shall be entitled to function as dealer. There shall be no order as to costs.

AVS ----------

21.02.2005

To.

1 The Government of Andhra Pradesh, Rep by the Joint

Collector, Chittoor.
2 The Revenue Divisional Officer, Tirupathi, Chittoor

District.
3 The Mandal Revenue Officer, Pulicherla Mandal, Chittoor

District.

4. **Two C.Cs. to G.P. for Civil Supplies, A.P. High Court Buildings, Hyderabad, (out).**

5. **Two C.D. copies.**